

### **REMARKS**

This Amendment and the accompanying Request for Continued Examination are being filed responsive to the April 28, 2005 final Office action and the July 21, 2005 Advisory Action that were issued in connection with the above-identified patent application. Prior to entry of the above amendments, claims 1-3, 10, and 16-31 were pending and stand rejected. Amendments to several of these claims were proposed in Applicant's June 28, 2005 Amendment After Final, but these amendments were not entered by the Examiner. By the above amendments, claims 1, 3, 10, 22, and 29 are amended, claims 30-31 are cancelled without prejudice, and new claims 32-33 are added. Applicant submits that no new matter has been added by the above amendments, and that each of the amendments is fully supported by the original specification. Reconsideration of the final Office action is requested in view of the foregoing amendments and the following remarks.

As an initial matter, Applicant thanks the Examiner for her time and comments in a telephone interview on August 16, 2005 with Applicant's undersigned attorney. In the interview, the status of the pending application, the Advisory Action, and claims 1 and 3 were discussed. In view of the final nature of the Office action, it was agreed that a Request for Continued Examination would be filed to enable consideration of an amended set of claims by the Examiner.

In the Office action, claims 1-3, 16-18, 21-23, 25-27, 29 and 31 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,814,003 to Knox et al. ("Knox"). Claims 10, 19-20, 24, 28 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Knox. Applicant has studied the cited reference in view of the

pending claims and the reasons expressed in the Office action. Applicant respectfully disagrees that the subject matter of all the original claims was anticipated or rendered obvious by the cited reference. However, Applicant has made various clarifying amendments to the claims, as presented above and as discussed below, to more clearly recite subject matter that is neither disclosed by nor suggested in the cited reference. As an initial matter, Applicant notes that claims 22 and 29 were amended to remove a redundancy in language that resulted from the amendment to claim 1. In the following discussion, Applicant first discusses the amendment to independent claim 1, from which all of the remaining claims depend. Applicant follows with a discussion of two representative claims that depend from claim 1 (i.e., claims 10 and 22) to present illustrative reasons why these claims are believed to recite subject matter that is neither disclosed by nor suggested in the cited reference.

#### Amended Independent Claim 1

Claim 1 has been amended to recite, amongst other subject matter, a sock with a body having exterior and interior surfaces through which a pair of spaced-apart openings extend. The internal surface is claimed to be the surface that contacts a wearer's leg when the sock is worn. The openings are sized to permit a second sock to be threaded through the openings to retain the second sock with the sock in which the openings are formed. Amended claim 1 further recites that the sock includes material that is attached to the internal surface of the sock and which extends behind the openings so that a wearer's leg is not visible through the openings when the sock is being worn. Amended claim 1 is reproduced below for the Examiner's convenience.

1. A sock comprising a body, the body comprising an external surface and an internal surface, wherein at least a substantial portion of the internal surface is adapted to contact a wearer when the sock is worn by a user, the sock further comprising first and second openings extending through the body of the sock from the external surface to the internal surface, the openings being sized sufficiently to allow a second sock to be threaded through the openings and retained to the sock thereby, wherein the sock further comprises material behind the openings and attached to the internal surface of the sock such that a wearer's leg is not visible through the openings while the sock is being worn, and further wherein the material is configured to contact the second sock when the second sock is threaded through the openings.

Applicant agrees with the Examiner that the cited reference to Knox discloses a sock with spaced-apart openings. However, Applicant respectfully disagrees with the Examiner that Knox discloses or suggests a sock with openings that extend between the exterior and interior surfaces of the sock, much less such a sock that further includes material that extends behind the openings, as recited in Applicant's amended claim 1. Instead, Knox discloses only spaced apart openings that extend through the outer surface of a sock, or sleeve, that includes an internal compartment sized to enclose an inflatable bladder. The disclosure of Knox is discussed below to point out this distinction, including the fact that the sock of Knox teaches away from the subject matter recited in amended claim 1.

Knox discloses an anti-embolism sock that includes a hollow pocket, or compartment, that extends around the sock between the internal and external surfaces of the sock. The sock further includes an inflatable bladder that is housed in this compartment and which is selectively inflated to apply compression to the user's limb that is surrounded by the bladder and sock. This construction is shown in Fig. 3 of Knox, which is reproduced below.

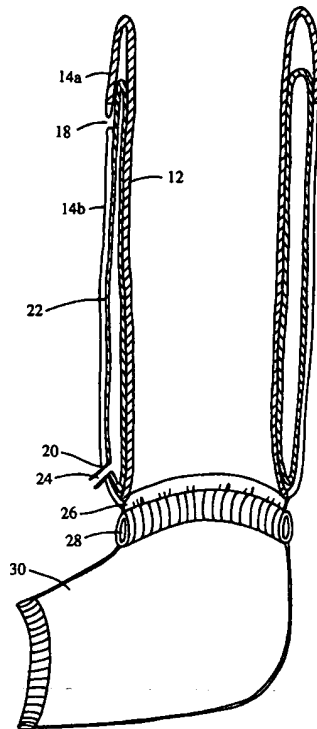


FIG. 3

With reference to the above Figure, the sock of Knox includes an inner sleeve 12, an outer sleeve 14, and a cylindrically shaped compartment 16 that is formed between inner and outer sleeves 12 and 14. The pocket is configured to contain a pulsatile bladder 22. The bladder is inserted into the compartment through an opening 18 at the top of the outer surface of the sock. Fluid is then pumped through the bladder through a tube 24 that extends into the compartment through an opening 20 in at the lower end of the sock.

In contrast to the sock recited in amended claim 1, the sock of Knox does not include openings through the body of the sock, as the body is defined in Applicant's amended claim 1. Instead, Knox notes that "*one* of said inner and outer sleeves includes at least one opening" (col. 6, lines 55-56; emphasis added). Knox also discloses that at least one of the openings in a sleeve is a "relatively smaller opening" sized to "enable[e] tubing associated with a pulsatile bladder to extend outwardly" from a pocket (col. 6,

lines 13-16). Accordingly, it follows that Knox does not disclose or suggest a sock with openings through the external and internal surfaces of a sock, where the internal surface is adapted to contact a wearer, and where the openings are sized to allow a second sock to be threaded through them. The unsuitability of the relatively smaller opening for use in accommodating and securing a sock is evident in the drawings in Knox, since the smaller opening is visibly too small to receive the sock of Knox.

Furthermore, because Knox does not disclose a sock with a pair of spaced-apart openings that extend between the external surface and the internal (wearer-contacting) surface of the sock, it follows that Knox does not disclose such a sock with material that extends behind the pair of openings, such as material that will prevent a wearer's leg from being visible through the openings when the sock is worn. The inner sleeve of Knox does not provide this subject matter because amended claim 1 recites that the openings extend through the internal (wearer-contacting) surface of the sock. Furthermore, there is no reason to include such an internal opening, much less a spaced-apart pair of such openings, in the sock of Knox.

For at least the above reasons, Applicant believes that Knox does not disclose or suggest a sock as recited in Applicant's amended claim 1. As such, and upon consideration of amended claim 1, Applicant requests that the rejection of claim 1 be withdrawn.

#### Amended Claim 10

Claim 10 depends from claim 1 and recites, amongst other subject matter, that the pair of openings are spaced apart by a distance of five inches or less. As discussed, Applicant agrees with the Examiner that Knox discloses a sock with spaced apart

openings. However, Applicant respectfully submits that it would not have been obvious to modify Knox to provide a sock with the spaced-apart openings and material recited in amended claim 1, much less openings that are spaced apart by a distance of five inches or less, as recited in Applicant's amended claim 10. Knox discloses spaced apart openings that are proximate each end of the sock. For example, Knox notes that "the bladder insertion opening is located proximate the upper end of the outer sleeve" and that "the tubing opening ... is located proximate the lower end of the outer sleeve" (col. 3, lines 4-8). As such, Knox discloses that the spaced-apart openings are separated by essentially the entire length of the body of the sock. Such an arrangement of two openings is advantageous to the sock of Knox, as noted in the specification of Knox, since it allows a user to insert a bladder into the first, upper, opening with the tubing extending outwardly through the second, lower, opening (col. 4, lines 45-52). Knox teaches away from the comparatively close spacing of the openings that is recited in Applicant's amended claim 10 when Knox notes that the maximally spaced openings, one proximate each end of the sock, are a "preferred form of the invention" (col. 3, line 4) designed to "extend along the length of a wearer's limb" (col. 4, lines 21-22) and to allow a bladder to extend the full length of the sock (Figure 3). As such, modifying Knox to position the openings in relatively close proximity to each other would conflict with the disclosure and teaching of Knox. In addition, the proposed modification would destroy the intended function of the reference either by making a full-length bladder more difficult to implement in the sock of Knox, or by forcing a reduction in the size of the inserted bladder and thus taking away a limb-length compressive force. For at least the

above reasons, Applicant submits that amended claim 10 patentably distinguishes Knox and should be allowed.

#### Amended Claim 22

Claim 22 depends from claim 1 and further recites that the material that extends behind the openings in the body of the sock includes a swatch that is attached to the internal surface of the body. As recited in amended claim 1, at least a portion of the internal surface of the body of the sock is adapted to contact a wearer. As discussed above, Knox does not disclose openings through the body of the sock, where the body of the sock includes an internal surface where at least a portion of the surface is adapted to contact a wearer. Knox likewise does not disclose a swatch attached to an internal surface of the body of the sock, or on any other portion of the sock. Knox discloses only that the compartment may have openings through which a pulsatile bladder may be inserted and through which its associated tubing may protrude. Accordingly, Applicant submits that claim 22 should be allowed.

#### Additional Dependent Claims

Claims 2-3, 16-21, 23-29, and 31-32 also depend from claim 1 and therefore should be allowed when claim 1 is allowed. In view of the patentable distinction between amended claim 1 and the disclosure of Knox, Applicant is not providing a detailed discussion of each of these dependent claims.

With the entry of the above amendments, and for the reasons discussed herein, Applicant submits that all of the issues raised in the final Office action have been addressed and overcome. If there are any remaining issues or if the Examiner has any questions, Applicant's undersigned attorney may be reached at the number listed below.

Similarly, if the Examiner believes that a telephone interview may be productive in advancing prosecution of the present application, the Examiner is invited to contact Applicant's undersigned attorney at the number listed below.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'David S. D'Ascenzo', is written over a horizontal line.

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